

**REMARKS**

Claims 1-15 are currently pending in the present application. Applicants respectfully request reconsideration of these claims.

The Office Action dated April 23, 2003, includes an indication that the priority papers have been received but that the claim for priority is ineffective insofar as the present U.S. application was filed more than a year after the priority date. In this particular circumstance, the priority application was filed in the Republic of Korea on December 29, 2000. The end of the convention year on December 29, 2001 fell on a Saturday. Therefore, Applicants were entitled to file the application on December 31, 2001 and still maintain a claim of priority under 35 U.S.C. §120. See MPEP 201.13(D). Accordingly, Applicants respectfully request acknowledgment of their claim for priority.

The Office Action also includes a rejection of claims 1-15 under 35 U.S.C. §102(b) as allegedly being anticipated by the *Lal et al.* patent (U.S. Patent No. 5,576,085) and a rejection of claims 1-15 under 35 U.S.C. §102(e) as allegedly being anticipated by the *Ikeda* Published Application (U.S. 2001/0019786) or the *Futamoto et al.* Published Application (U.S. 2002/0055020). These rejections are respectfully traversed.

Amended claim 1 recites a perpendicular magnetic recording disk which includes an underlayer between a substrate and a perpendicular magnetic recording layer for inducing a perpendicular orientation of the perpendicular magnetic recording layer. There is also an intermediate soft magnetic layer between the underlayer and the perpendicular magnetic recording layer for forming closed magnetic loops together with a perpendicular magnetic recording layer. The perpendicular magnetic recording layer, as further recited in claim,

has a thickness in the range or the ratio of the perpendicular coercivity  $H_c$  to maximum perpendicular coercivity  $H_o$  decreases with reduced thickness of the perpendicular magnetic recording layer.

Hence, the magnetic recording disk of the present invention is a pseudo double-layer structure in accordance with this amendment. This magnetic recording disk of the present invention is easily distinguished from the *Futamoto et al.* published application and the *Lal et al.* patent. The *Futamoto et al.* published application discloses a perpendicular magnetic recording layer having a layer thickness of 25 to 30 nm, but does not have a soft magnetic layer. The *Lal et al.* patent discloses a soft magnetic layer in the range of 1-10 nm on the perpendicular magnetic recording layer. However, location of this soft magnetic layer is different from that of the present invention. Specifically, soft ferromagnetic layer 18 is positioned on top of the magnetic thin film layer, and not as recited in claim 1 as an intermediate soft magnetic layer between the underlayer and the perpendicular magnetic recording layer.

With respect to the *Ikeda* published application, it is noted that it was filed on December 28, 2000, which is the earliest date it can be a reference under 35 U.S.C. § 102(e). The present application was filed in Korea the next day on December 29, 2000 and received patent application number 2000/0086269. Attached hereto is a copy of the first two pages of the original order letter in Korean, as well as an English-language translation thereof, (Exhibits A and B) with dates being redacted, along with an invention disclosure document in Korean, as well as an English-language translation thereof, (Exhibits C and D). It should be noted that the order letter indicates an experimental test was conducted.

Although the date of the test has been redacted, the undersigned has executed a Declaration (Exhibit E) that states that the noted date of the experiment was before December 28, 2000. Applicants will obtain an affidavit or declaration from the inventor regarding the actual reduction to practice should the Office deem such an paper to be necessary. It is respectfully submitted Applicants have antedated this reference by this showing and respectfully request withdrawal of the rejection. It should also be noted that the Republic of Korea is a WTO member country. See MPEP 715.

In light of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections so that the present application may pass to issuance.

Respectfully submitted,

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Date: October 23, 2003

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